

DOCKET NO: 243480US6



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
TETSUJIRO KONDO, ET AL. : EXAMINER: SMITH, J.  
SERIAL NO: 10/677,537 :  
FILED: OCTOBER 3, 2003 : GROUP ART UNIT: 2624  
FOR: IMAGE PROCESSING :  
APPARATUS, METHOD, STORAGE  
MEDIUM, AND PROGRAM

RESPONSE TO REQUIREMENT FOR INFORMATION UNDER 37 C.F.R. § 1.105

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

A Request for Information pursuant to 37 C.F.R. § 1.105 was issued to Applicant on May 15, 2007. Below is a response to that request, which is made with candor and in good faith under 37 C.F.R. § 1.56.

1. In response to this requirement, please provide a statement signed by the first named inventor Tetsujiro Kondo indicating whether he believes that the art image processing apparatus by Tetsujiro Kondo fails to teach or suggest a storing means for storing position information of pixels of a first frame that is earlier in time than a second frame for each address corresponding to a feature of each pixel. The statement should be more than a mere conclusion to be persuasive. The portions of Kondo's image processing apparatus that store position information should be discussed, and the problems with Kondo's image processing apparatus that cause it to fail to store position information of pixels for each address corresponding to a feature of each pixel should be clear, such as for example the following. If the pixels do not have features, how do they form an image? If the pixels are not correlated with features, how are the images displayed? If the feature is not stored at an address, where is it stored? If the position information of the pixel is not correlated with an address of its feature, how is the information accessed from memory? A statement signed by anyone other than Tetsujiro Kondo will be considered but will probably be unpersuasive because of the clear showing of storing position information of pixels in the prior art image processing apparatus reference by Tetsujiro Kondo.

Applicant notes that a proper request under 37 C.F.R. § 1.105 is a request for factual information, which is reasonably necessary to properly examine or treat a matter in a pending or abandoned application. A requirement for information under 37 C.F.R. § 1.105 places a substantial burden on Applicant. In this regard, the MPEP notes that:

“Factual” and “facts” are included in 37 C.F.R. § 1.105 to make it clear that it is facts and factual information, that are known to Applicant, or readily obtained after reasonable inquiry by application, that are sought, and that requirements under 37 C.F.R. § 1.105 are not requesting opinions that may be held or would be required to be formulated by applicant. (emphasis added)

Information relative to the references of record and how they relate as requested in (1) to the pending claims is either unknown or not readily available, and, Applicant is not required to formulate such an opinion as noted above. Accordingly, Applicant respectfully submits that this request for information is improper and/or satisfied by the representation above.

Applicants note, however, that the response to the outstanding Official Action submitted herewith was formulated with the assistance of the Assignee in this case. To the extent that the items noted in the above request are directed to the patentability of the claims, Applicant submits that a genuine attempt has been made on the part of the Applicants to respond with such information that is known or is readily obtainable.

2. In response to this requirement, please state whether the first named inventor Tetsujiro Kondo or the co-inventors or the assignee Sony Corporation have filed or are aware of another application filed in the United States or a foreign country that claims or discloses a storing means for storing position information of pixels of a first frame that is earlier in time than a second frame for each address corresponding to a feature of each pixel. If so, please disclose each application (both foreign and domestic), and for each disclosed application please state whether a rejection was made in the application. If a rejection was made, please provide a copy of the rejection.

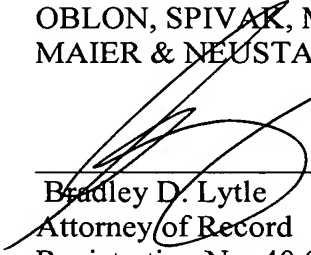
In response to this request, Applicants direct attention to the List of Related Cases submitted June 25, 2004, which lists the known U.S. cases related to the subject matter of the present application. With regard to these domestic applications, Applicants note that both cases have received Office Actions, which are readily available to the Examiner. Further, the present application claims priority to three JP applications (JP 2002-296135, JP 2002-296136, and JP 2002-293137), and the IDS of May 21, 2007 includes material received in a JP Office Action with regard to all three JP applications. Applicants, however, note that this response is not considered to be an admission that any of the above noted applications disclose the limitations as outlined in the request.

3. In response to this requirement, please state whether a rejection was made in a corresponding foreign application such as Japan 2002-296135, 2002-296136, 2002-296137. If a rejection was made in a corresponding foreign application, please provide a copy of the rejection. For example, if the Japanese Patent Office issued a rejection in one of the corresponding Japanese applications, please submit a copy of each Japanese rejection. If a corresponding application has been filed in Europe and has received a rejection, please submit a copy of each rejection.

As noted above, the IDS filed May 21, 2007 includes material received in a JP Office Action with regard to all three JP applications.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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